

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

ROSA PEREZ

Debtor

CASE NO. 16-40058

CHAPTER 11

AFFIRMATION IN SUPPORT OF EMERGENCY RELIEF

MICHAEL HUERTA, your Affirmant, an attorney duly admitted to practice in the courts of the State of New York, affirms the following to be true under the penalties of perjury:

1. That your affirmant is the attorney in the instant matter for the Debtor, ROSA PEREZ, and as such, is fully familiar with the facts and circumstances of this case.
2. This Affirmation is made in support of the instant Order to Show Cause, which seeks injunctive relief against the Plaintiff.
3. As indicated in the Affidavit of ROSA PEREZ, debtor's home is under threat of being sold at foreclosure sale on Thursday, May 26, 2016. (Exhibit 1)
4. The seizure and sale of ROSA PEREZ' home, is likely to cause irreparable harm and injury to ROSA PEREZ.
5. The harm would be the loss of her home which would cause financial distress and burden and such that she cannot be made whole again without intervention by this Court. As ROSA PEREZ is now able to proceed under the proposed Chapter 11 plan, the interests of The

Levite Family, LP, is fully protected. As such, the harm ROSA PEREZ would suffer at the foreclosure and sale of her home would outweigh the harm The Levite Family, LP would suffer should the Court not issue the preliminary injunction and temporary restraining order. Further, should the property be sold, there could be a deficiency and both parties would suffer if this Court failed to act. It is in the best interest of all parties that the Court intervene on behalf of ROSA PEREZ as the Chapter 11 plan submitted by Debtor would completely satisfy and extinguish the debt upon which the foreclosure is predicated. (Exhibit 2).

6. ROSA PEREZ would have no adequate remedy at law if her home were sold at foreclosure and is entitled to a preliminary injunction and temporary restraining order as a matter of law.

7. Based upon the above matters, emergency relief is needed to stay the seizure and sale of ROSA PEREZ' home in the instant matter pending the hearing of the instant Order to Show Cause.

8. No previous application for the relief herein requested has been made to any other court or judge.

9. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 24, 2016

Respectfully submitted,

By: 

Michael A. Huerta

Attorney for Debtor

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